

OGC 60-1519(a)

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Proposed Change of [] Travel and Operational
Advances

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1. We have received the subject proposed change transmitted to you by memorandum from the Deputy Comptroller dated 16 November 1960. This proposal would allow an advance of funds in one fiscal year for operational activities to be undertaken in a subsequent fiscal year, provided an appropriate certification is met with respect to internal authority to obligate such funds when they are made available. Considering that continuity of funding in a wide variety of operational circumstances requires such advances, and considering that an advance of funds is legally recoverable in the event of failure of authority, it is our opinion, subject to the following, that section 8(b) of the CIA Act of 1949, as amended, contains sufficient authority to permit the implementation of this proposal.

2. We believe that it is necessary that the regulation clearly define the scope within which the use of this extraordinary authority must be confined, and that the level at which the proposed expenditures have been approved is likewise clearly defined. To that end, we propose the following language for paragraph 3b(2):

"When operations, cover, or security requires an advance of funds in one fiscal year for utilization in a subsequent fiscal year, other than for a proprietary project, the Budget and Fiscal Officer shall make the following special certification instead of that required by paragraph (1) immediately above.

"I certify that the operating program of _____ Division for fiscal year _____, as approved by a Deputy Director, includes proposed funds authority sufficient to cover the advance requested. The advance is chargeable to cost account No. _____."

3. Subject to the above, we concur in the proposed change.

Distribution:

Orig & 1 - Addressee
1 - Deputy Comptroller
3 - OGC

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Office of General Counsel

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